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Attorneys for Defendants  
C.R. Bard, Inc. and Bard Access Systems, Inc.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

GAYLE LAYNE, an individual,

Plaintiff,

vs.

C.R. BARD, INC.; BARD ACCESS  
SYSTEMS, INC.; and DOES 1 through 10  
inclusive,

Defendants.

Case No. 2:17-cv-02434-JAD-PAL

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND DISCOVERY  
DEADLINES**

**(FIRST REQUEST)**

**STIPULATION**

Pursuant to Local Rules 26-4 and 6-1, the parties hereby submit the following Stipulation and Order for Extension of Discovery Plan and Scheduling Order (First Request) to extend discovery to October 31, 2018. This request is based on good cause because the litigation of this matter will be best served by the proposed extension.

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1     **I. REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

2           This is a product liability case involving the surgical implant of a prescription medical  
3 device – an implantable port and catheter, known as a Bard PowerPort® with an attachable  
4 polyurethane catheter (“BardPort”) – which was used for the administration of chemotherapy. A  
5 BardPort was implanted in Plaintiff Gayle Layne on November 13, 2015. Plaintiff alleges that  
6 the product fractured and migrated inside Plaintiff’s body. Plaintiff brings claims of product  
7 liability, negligence, breach of warranty, and fraudulent misrepresentation and concealment  
8 against Defendants. Plaintiff initially filed their case on July 27, 2017 in the Eighth Judicial  
9 District Court in Clark County. The case was subsequently removed and Defendants filed an  
10 answer on September 25, 2017.

11           Attorneys for the parties have another case pending in the Northern District of Alabama  
12 (Docket 17-cv-00210) that involves a BardPort. So the parties have had significant discussions  
13 about the scope of discovery in this case. On November 15, 2017, the parties participated in a  
14 telephonic discovery planning conference pursuant to Rule 26(f). Prior to this conference,  
15 Defendants had circulated a proposed discovery plan and scheduling order. Following the  
16 conference, the parties exchanged multiple drafts of the discovery plan in attempt to resolve their  
17 different proposals. During this time, Plaintiff Gayle Layne died. Plaintiff’s counsel is now  
18 working on having the estate established so that he has authority to continue with the litigation.  
19 In the meantime, the Court issued a discovery plan, noting that the parties not filed one, and set  
20 discovery to close on March 28, 2018.

21           Considering the complexity of the case and the significant effect of Plaintiff’s death on the  
22 litigation, the parties agree that substantially more time will be required for discovery. The  
23 parties have agreed that a discovery period of approximately one year should permit the parties to  
24 do all discovery needed, including the retention of several experts and production of the company  
25 documents pertinent to Plaintiff’s claims. This extension is being sought in good faith and not  
26 to unduly delay this proceeding.

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## II. DISCOVERY COMPLETED TO DATE

Discovery has not yet begun, but the parties have participated in significant discussion regarding the scope of discovery, potential electronically stored information, and likely custodians of discoverable information related to this case. This has consisted of multiple telephone conversations and correspondence.

## III. PROPOSED NEW DISCOVERY DEADLINES

### A. **Deadline for Parties to Disclose Experts:**

Currently: January 25, 2018

Proposed: **August 30, 2018**

### B. **Deadline for Parties to Disclose Experts:**

Currently: January 25, 2018

Proposed: **August 30, 2018**

### C. **Deadline for Parties to Disclose Rebuttal Experts:**

Currently: February 26, 2018

Proposed: **October 1, 2018**

### D. **Interim Status Report Deadline:**

Currently: January 25, 2018

Proposed: **August 30, 2018**

### E. **Discovery Cut-Off Date:**

Currently: March 28, 2018

Proposed: **October 31, 2018**

### F. **Deadline to File Dispositive Motions:**

Currently: April 27, 2018

Proposed: **December 3, 2018**

### G. **Pretrial Deadline Order:**

Currently: May 28, 2018

Proposed: **December 31, 2018**

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1 In the event that dispositive motions are filed, the parties stipulate that the date for filing  
2 the joint pretrial order shall be suspended until 30 days after decision of the dispositive motions  
3 or further order of the Court.

4 **IV. CONCLUSION**

5 Good cause exists to extend the case management deadlines in this case. In light of  
6 Plaintiff's death and the complexity of Plaintiff's claims, additional time is warranted.  
7 Accordingly, the parties respectfully request that the Court grant their request to extend discovery  
8 until October 31, 2018.

9 DATED this 19th day of December, 2017. DATED this 19th day of December, 2017.

10 SNELL & WILMER L.L.P.

WETHERALL GROUP, LTD.

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C.R. Bard, Inc. and  
Bard Access Systems, Inc.

22 **ORDER**

23 IT IS SO ORDERED.

24 DATED this 5th day of January, 2018.

25   
26 U.S. DISTRICT MAGISTRATE JUDGE  
27  
28

1 Prepared and Submitted by:  
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